

## REMARKS

### I. STATUS OF THE CLAIMS

Various claims are amended herein.

New claims 13-16 are added herein.

Support for the claim amendments and new claims is found, for example, in FIGS. 1 and 2, and the disclosure on page 5, line 3, through page 7, line 21, of the specification.

In view of the above, it is respectfully submitted that claims 1-16 are currently pending.

### II. OBJECTION TO THE CLAIMS

The claims are amended herein to overcome the objection.

### III. REJECTION OF CLAIMS 11 AND 12 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY LIOU

Claims 11 and 12 are amended herein to recite that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit. See, for example, FIGS. 1 and 2, and the disclosure on page 5, line 3, through page 7, line 21, of the specification.

In Liou, an add/drop device has a filter region 110 and a reflective region 120 for adding/dropping wavelengths. The device is moved so that light hits either filter region 110 or reflective region 120. See, for example, FIG. 3, and the disclosure on column 5, line 58, through column 6, line 4, of Liou.

Therefore, in Liou, the light hits either filter region 110 or reflective region 120, but does not hit both regions at the same time.

Further, Liou does not include a diffraction unit, such as, for example, a slit, between filter region 110 and reflective region 120.

Therefore, it is respectfully submitted that Liou does not disclose or suggest that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit, as recited, for example, in the amended claims 11 and 12.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 11 AND 12 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY FUKUSHIMA

Claims 11 and 12 are amended herein to recite that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit. See, for example, FIGS. 1 and 2, and the disclosure on page 5, line 3, through page 7, line 21, of the specification.

It is respectfully submitted that Fukushima does not disclose or suggest these features. In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 1-9 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER FUKUSHIMA IN VIEW OF SHIKAMA

Claim 1 is amended to recite that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit so that the filter provides a transmittance versus wavelength characteristic in which transmittance of the filter changes with wavelength. See, for example, FIGS. 1 and 2, and the disclosure on page 5, line 3, through page 7, line 21, of the specification.

It is respectfully submitted that Fukushima does not disclose or suggest these features.

Shikama discloses a diffraction grating 50 (see also 50' in FIGS. 6-8) used as an attenuator to attenuate light from a laser 1. See, for example, FIG. 4 of Shikama.

However, the light in Shikama hitting the diffraction grating is not collimated light.

Moreover, the diffraction loss or transmittance for laser light which passes through the diffraction grating 50 is not dependent upon wavelength, since the laser light is diffracted uniformly as a whole. Therefore, the diffraction grating of Shikama does not provide a transmittance versus wavelength characteristic in which transmittance of the filter changes with wavelength as recited, for example, in claim 1.

Therefore, it is respectfully submitted that the combination of Fukushima and Shikama does not disclose or suggest the present invention as recited, for example, in claim 1.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. REJECTION OF CLAIMS 1-2 AND 10 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER LIOU

Claim 1 is amended to recite that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit so that the filter provides a transmittance versus wavelength characteristic in which transmittance of the filter changes with wavelength. See, for example, FIGS. 1 and 2, and the disclosure on page 5, line 3, through page 7, line 21, of the specification.

In Liou, an add/drop device has a filter region 110 and a reflective region 120 for adding/dropping wavelengths. The device is moved so that light hits either filter region 110 or reflective region 120. See, for example, FIG. 3, and the disclosure on column 5, line 58, through column 6, line 4, of Liou.

Therefore, in Liou, the light hits either filter region 110 or reflective region 120, but does not hit both regions at the same time.

Further, Liou does not include a diffraction unit, such as, for example, a slit, between filter region 110 and reflective region 120.

Therefore, it is respectfully submitted that Liou does not disclose or suggest that the filter has first and second filter portions with the diffraction unit between the first and second filter portions, and that the collimated beam hits the first and second filter portions and the diffraction unit so that the filter provides a transmittance versus wavelength characteristic in which transmittance of the filter changes with wavelength, as recited, for example, in amended claim 1.

In view of the above, it is respectfully submitted that the rejection is overcome.

VII. CONCLUSION

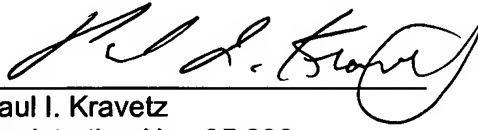
In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
Paul I. Kravetz  
Registration No. 35,230

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501